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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10   WILLIAM BLAINE MAYFIELD,

11   Petitioner,   No. CIV S-04-1182 JAM DAD P

12   vs.

13   TOM CAREY, Warden, et al.,

14   Respondents.   ORDER
     _____/

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16   Petitioner is a state prisoner proceeding with this application for a writ of habeas

17   corpus pursuant to 28 U.S.C. § 2254. Judgment was entered in this case on August 25, 2008. On

18   September 16, 2008, petitioner filed a timely notice of appeal and a request to proceed in forma

19   pauperis on appeal. The court file reflects that petitioner paid the filing fee for this action.[1]

20   Rule 24(a) of the Federal Rules of Appellate Procedure provides that a party to a

21   district court action who desires to proceed in forma pauperis on appeal must file a motion in the

22   district court which:

23   (A) shows in the detail prescribed by Form 4 of the Appendix of
              Forms the party's inability to pay or to give security for fees and
24   costs;

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      [1] Petitioner is not required to obtain a certificate of appealability in order to prosecute this
26   appeal. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005).

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1   (B) claims an entitlement to redress; and

2   (C) states the issues that the party intends to present on appeal.

3   Fed. R. App. P. 24(a)(2). Petitioner has attached the appropriate affidavit which demonstrates

4   his inability to pay or to give security for fees and costs. In his notice of appeal, petitioner claims

5   entitlement to redress and describes the issues he intends to present on appeal. Petitioner has

6   complied with the requirements of Fed. R. App. P. 24(a). Accordingly, his request to proceed in

7   forma pauperis on appeal will be granted.

8   Good cause appearing, IT IS HEREBY ORDERED that petitioner's September

9   16, 2008 request to proceed in forma pauperis on appeal is granted.

10   DATED: 10/22/2008

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12   /s/ John A. Mendez
                                           UNITED STATES DISTRICT JUDGE

13   /mayfield1182.ifp

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